

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)

v.)

CASE NO. 05-10019-RGS

DANIEL W. McELROY,
AIMEE J. KING McELROY, and
XIEU VAN SON)

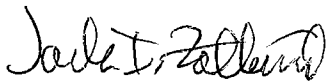
**MOTION OF DEFENDANTS, DANIEL W. MCELROY AND
AIMEE J. KING MCELROY, TO DISMISS COUNT ONE OF THE
INDICTMENT FOR ALLEGING MULTIPLE CONSPIRACIES**

Defendants, Daniel W. McElroy ("Mr. McElroy") and Aimee J. King McElroy ("Ms. King") move this Court to dismiss Count One of the Indictment because it charges the defendants with multiple conspiracies to commit separate and distinct offenses in violation of the well-established rule prohibiting duplicitous charging of offenses. In further support of this Motion, Mr. McElroy and Ms. King incorporate their Memorandum of Law filed simultaneously herewith.

Respectfully submitted,

AIMEE J. KING McELROY

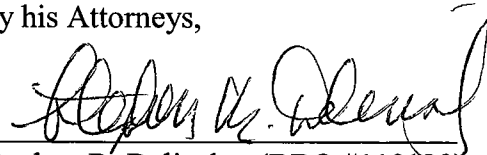
By her attorney,



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DANIEL W. MCELROY

By his Attorneys,



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